dependent upon him." This is the view adopted in a number of the States. *Hatch* v. *Mut. Life Ins. Co.,* 120 Mass. 550; *Breasted* v. *Far. Loan & Trust Co.,* 8 N. Y. 299, 59 Am. Dec. 482; *Mooney* v. *Ancient Order,* 24 Ky. L. Rep. 1787, 72 S. W. 288; *Supreme Commandery Knights of Golden Rule* v. *Ainsworth,* 71 Ala. 436, 46 Am. Rep. 332; and is the general rule in England; *Amicable Society* v. *Bolland,* 4 Bligh. (N. S.) 194; *Borradaile* v. *Hunter,* 5 Man. & G. 639; *Clift* v. *Schwabe,* 3 C. B. 437. A dissenting opinion in the principal case is based on the theory that the provision of the GEORGIA CODE, 1910, § 2500, renders the latter view obligatory upon the Georgia court.

JUDGMENT—COLLATERAL ATTACK ON JUDGMENT OF PROBATE COURT.—On a bill by a guardian of an incompetent, praying sale and partition of lands, defendant demurred on the ground that the adjudication of incompetency and the appointment of complainant were void because the record showed that the finding of insanity was by a jury of less than the statutory number. *Held,* the demurrer was properly overruled, for the reason that an inquisition by an agreed jury of ten was merely an irregularity, and did not render the appointment subject to collateral attack. *Powell* v. *Union Bank & Trust Co.* (Ala. 1911) 56 South. 123.

By the weight of authority in this country the judgments of a probate court cannot be attacked in a collateral proceeding. GARY'S PROBATE LAW, § 23, p. 12, and cases cited; *Dayton* v. *Mintzer,* 22 Minn. 393; *Tebbets* v. *Tilton,* 24 N. H. 120; *Dodge* v. *Cole,* 97 Ill. 338; and *Craft* v. *Simon,* 118 Ala. 625. On collateral attack the court presumes that the court in the former case acted correctly and with due authority, and its record is valid as to all jurisdictional facts appearing of record. *Crown Real Estate Co.* v. *Rogers,* 132 Ky. 790. Records of probate courts import absolute verity and are not subject to collateral attack, *Heckman* v. *Adams,* 50 Ohio St. 305. An order appointing a guardian of an incompetent in the absence of direct attack is presumed to have been correctly made. *Isaacs* v. *Jones,* 121 Cal. 257. The general rule is that juries must consist of twelve men, and such fact must appear of record, and when a record shows that a cause was tried by a jury of less than twelve men the trial will be held to be a nullity. THOMPSON AND MERRIAM, JURIES, §§ 5 and 6, and cases cited. On the number of jurors see also 5 BACON'S ABRIDGMENT, p. 314, title Juries A; and 2 HALE, PLEAS OF THE CROWN, p. 161. Where the record recites a jury of twelve, a court of appeal will presume that there were twelve men though only eleven names appear. *Foote* v. *Lawrence,* 1 Stew. 483. Though the main case conflicts with many adjudicated cases in regard to the number of jurors, and no case exactly in point has been found, it is believed that the case follows the better rule in holding judgments not subject to collateral attack for mere irregularities in procedure. See 1 MICH. L. REV. 645.

MINES AND MINERALS—OWNERSHIP—ESTATE IN UNDISCOVERED MINERALS.—Complainant was the holder of a tax title on certain lands originally owned in fee by X and Y, who had conveyed said lands by a quit-claim deed containing an exception and reservation of all metals or ores in, upon or under